



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 22, 2004

TO: ISD and LEA Special Education Directors
FROM: Jacquelyn J. Thompson, Ph.D., Director
SUBJECT: End-Of-Year Data Collection Special Education Suspension/Disciplinary Actions Data

The Individuals with Disabilities Act (IDEA) at 34 CFR §300.146 requires that the state must have on file information to examine if significant discrepancies exist in the rate of long-term suspensions and expulsions of special education students. In order to meet the requirements of the *Individuals With Disabilities Education Act, As Amended*, districts must report special education students who are subject to a) unilateral removal, b) removal based on a hearing officer determination regarding likely injury, or c) out-of-school long-term or multiple short-term suspension(s)/expulsion.

In order to meet these IDEA requirements the Office of Special Education and Early Intervention Services (OSE-EIS) in cooperation with the Center for Educational Performance Information (CEPI) shall collect information on special education student disciplinary actions in the ***End of the Year (EOY) SRSD student count for 2004***. In the past, OSE-EIS has distributed a paper form for schools to report special education suspension/expulsion/disciplinary actions. This June, at the end of the school year, school districts will now submit this information to the CEPI utilizing the EOY SRSD 2004 student count. This includes reporting incidents for special education students 3 to 21 years of age.

The CEPI has worked closely with the OSE-EIS to define fields to collect special education suspension/disciplinary actions. These new EOY SRSD fields are 47a, 47b, 47c, 47d and 48, which are outlined in the *Spring 2004 SRSD Manual*. (Download Data Field Descriptions at: http://www.michigan.gov/cepi/0,1607,7-113-986_10481---,00.html) Five categories of disciplinary actions will be captured within these fields:

- 47a Removal based on a hearing officer determination of likely injury to self or others.
- 47b Unilateral removal following a weapon offense.
- 47c Unilateral removal following a drug offense.
- 47d Long-term out-of-school suspension/expulsion of more than 10 days.
- 48 Multiple short-term out-of-school suspensions summing to more than 10 days.

Special Education personnel at Intermediate School Districts (ISDs), Local Education Agencies (LEAs) and Public-School Academies (PSAs) must submit special education suspension/expulsion/disciplinary actions data for the 2003-2004 school year. ***This data should be sent to your local data personnel responsible for the EOY SRSD 2004 data submission.*** Enclosed are some instructions which should help you in this process. Additionally, the OSE-EIS will provide online web based training on suspensions/disciplinary actions data during the first two weeks of May. **Times and registration for this online training can be found at www.mi-iis.com.**

cc. Andrew Henry, Director, the Center for Educational Performance Information

Enclosures

OSE/EIS 04-09

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Local Data Processing Form

SPECIAL EDUCATION STUDENTS WITH DISABILITIES SUBJECT TO UNILATERAL REMOVAL, REMOVAL BASED ON A HEARING OFFICER DETERMINATION REGARDING LIKELY INJURY, OR A LONG-TERM SUSPENSION/EXPULSION OR MULTIPLE SHORT-TERM SUSPENSIONS

Instructions:

The Individuals with Disabilities Act (IDEA) at 34 CFR §300.146 requires that the state must have on file information to examine if significant discrepancies exist in the rate of long-term suspensions and expulsions of special education students. In order to meet the requirements of the Individuals With Disabilities Education Act, As Amended, districts must report special education students who are subject to a) unilateral removal, b) removal based on a hearing officer determination regarding likely injury, or c) long-term suspension/expulsion. For a removal incident to be reported on this form, there must be either a change in placement to an interim alternative education setting OR an long-term or multiple short-term out-of-school suspension(s).

*Report special education students who were **removed to an interim alternative education setting**:*

- subject to a removal based on a hearing officer determination of likely injury to self or others.
- subject to a unilateral removal by school personnel following a weapon offenses; or
- subject to a unilateral removal by school personnel following a drug offenses;

*Report special education students who were **subject to long-term or multiple short-term out-of-school suspension/expulsion**:*

- those subject to one suspension/expulsion of more than 10 days, and
- those subject to multiple short-term suspensions summing to more than 10 days.

Include only out-of-school suspensions.

Definitions:

Unilateral Removal - Instances in which school personnel (not the IEP team) order the removal of children with disabilities from the current educational placement to an appropriate interim alternative educational setting for the same amount of time that children without disabilities would be subject to discipline, but for not more than 45 days, if the children carry a weapon to school or to a school function, knowingly possess or use illegal drugs while at school or a school function, or sell or solicit the sale of a controlled substance while at school or a school function.

Removal by a Hearing Officer - Those instances in which an impartial hearing officer orders the removal of children with disabilities from the current educational placement to an appropriate alternative educational setting for not more than 45 days based on the hearing officer's determination that the public agency has demonstrated by substantial evidence that maintaining the child's current placement is substantially likely to result in injury to the child/youth, or others.

Dangerous Weapon - A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2-1/2 inches in length (18 U.S.C. § 930).

Drug Offenses - The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. §812; this does not include alcohol or tobacco.

School Day means any day, including a partial day, that children are in attendance at school for instructional purposes. The term school day has the same meaning for all children in school, including children with and without disabilities.

Local SRSD data processing:

Please provide special education suspension/disciplinary actions data to your local SRSD data submission staff. These data must be integrated into your district's SRSD data submission for special education students.

Attachment A

Form: SE-4568-SUSPENSION
Authority: PL 105-17, IDEA 97
Completion: REQUIRED

Michigan Department of Education
Office of Special Education and
Early Intervention Services
April 2004

Contact: Dr. James R. Nuttall
(517) 335-0454 or
nuttallj@michigan.gov

Special Education Students With Disabilities Subject To Unilateral Removal, Removal Based On A Hearing Officer Determination Regarding Likely Injury, Or A Long-Term Suspension/Expulsion

Special Education personnel at Intermediate School Districts (ISDs), Local Education Agencies (LEAs) and Public-School Academies (PSAs) must submit special education suspension/disciplinary actions data for the 2003-2004 school year. This data should be sent to your local data personnel responsible for the SRSD EOY 2004 data submission. This requires your local office of special education to collect suspension/expulsion /disciplinary actions data which then must be integrated into your EOY SRSD 2004 data submission. Data submitted is on an individual student basis.

Therefore, when informing your SRSD data submission personnel of suspension/disciplinary actions, provide them with the student's name and the type of suspension/disciplinary actions involving the child/student. This includes reporting suspension/expulsion/disciplinary actions for special education students 3 to 21 years of age. Special education suspension/disciplinary actions include the following:

Field	Type of Special Education Disciplinary Action
47a	Removal based on a hearing officer determination of likely injury to self or others.
47b	Unilateral removal following a weapon offense.
47c	Unilateral removal following a drug offense.
47d	Long-term out-of-school suspension/expulsion of more than 10 days.
48	Multiple short-term out-of-school suspensions summing to more than 10 days.

Students may experience more than one type of suspension/expulsion/disciplinary action.

Definitions

Unilateral Removal - Instances in which school personnel (not the IEP team) order the removal of a student with disabilities from the current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without disabilities would be subject to, but for not more than 45 days.

Removal by a Hearing Officer - Those instances in which an impartial hearing officer orders the removal of a student with disabilities from the current educational placement to an appropriate alternative educational setting for not more than 45 days based on the

hearing officer's determination that the public agency has demonstrated by substantial evidence that maintaining the child's current placement is substantially likely to result in injury to the child/youth, or others.

Dangerous Weapon - A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2-1/2 inches in length (18 U.S.C. § 930).

Drug Offenses - The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. §812; this does not include alcohol or tobacco.

School Day means any day, including a partial day, when students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school, including students with and without disabilities.

SRSD EOY 2004 Data Fields

These counts are collected in the five SRSD EOY 2004 fields, Fields 47a, 47b, 47c, 47d and Field 48. Summary data from these fields will be reported to the United States Department of Education, Office of Special Education Programs (OSEP) as required under Section 618 of the Individuals with Disabilities Education Act (IDEA). Additionally, counts and rankings will also be added to the MI-CIS Special Education Data Portraits. The five fields, 47a, 47b, 47c, 47d, and Field 48 correspond to the five methods that of suspension/removal types as defined in IDEA. Reports to OSEP only require an incident count and do not require a count of days. Suspension/disciplinary action fields are reviewed below.

- Field47a:** Special Education Disciplinary actions: Number of Removals (Year-To-Date) by Hearing Officer
- Data:** Specify the number of times, year-to-date, that the student was removed to an interim alternative educational setting based on special education hearing officer's determination.
- Definition:** These are instances in which an impartial hearing officer orders the removal of a student with disabilities from the current educational placement to an appropriate alternative educational setting for not more than 45 days based on the hearing officer's determination that the public agency has demonstrated by substantial evidence that maintaining the child's current placement is substantially likely to result in injury to the child or others.
- Field 47b:** Special Education Disciplinary actions: Number of Unilateral Removals (Year-To-Date) Following a Weapons Offense
- Data:** Specify the number of times, year-to-date, that the student was removed by school personnel to an interim alternative educational setting following a weapons offense.

- Definition:** These are instances in which school personnel (not the IEP team) order the removal of a student with disabilities from the current educational placement to an appropriate interim alternative educational setting for not more than 45 days, where the incident involves a weapon. Unilateral removals do NOT include decisions by the IEP team to change a student's placement.
- Field 47c:** Special Education Disciplinary actions: Number of Unilateral Removals (Year-To-Date) Following a Drug Offense
- Data:** Specify the number of times, year-to-date, that the student was removed following a drug offense.
- Definition:** These are instances in which school personnel (not the IEP team) order the removal of a student with disabilities from the current educational placement to an appropriate interim alternative educational setting for not more than 45 days, where the incident involves the use, possession, sale, or solicitation of drugs. These incidents do not include alcohol or tobacco. Unilateral removals do NOT include decisions by the IEP team to change a student's placement
- Field 47d:** Special Education Disciplinary actions: Number of Individual Out-Of-School Suspensions (Year-To-Date) Greater than 10 Days
- Data:** Specify the number of separate times, year-to-date, that the student was subject to a single, long-term, out-of-school suspension for more than 10 days.
- Definition:** These are instances in which the student was subject to a single long-term, out-of-school suspension for more than 10 days. Include only out-of-school suspensions. A student can have multiple long-term suspensions.
- Field 48:** Special Education Disciplinary actions: Multiple Short-Term Out-Of-School Suspensions Accumulating to More than 10 Days (Year-To-Date)
- Data:** Record if the student was subject to multiple (10 day or less) out-of-school suspensions that together accumulate to a total of more than 10 days.
- Definition:** These are cases in which the student was subject to multiple short-term out-of-school suspensions summing to more than 10 days. Each suspension must be less than or equal to 10 days, otherwise it would be reported in Field 47d. Multiple short-term out-of-school suspensions are accumulated and summed for the entire school year. A student can only be counted once in this category, even if additional out-of-school suspensions occur, so the value of Field 48 can only be zero (0) or one (1). An out-of-school suspension for any part of a day is calculated as a full-day suspension.

Example #1:

During the school year a student experienced 1 unilateral removal for bringing drugs as school and also experienced one long-term 11 day out-of-school suspension, i.e. out-of-school for more than 10 days. The following information would be reported for the students.

Field 47c	Enter "1" occurrence Unilateral Removal Drug Offense.
Field 47d	Enter "1" occurrence of Long-Term Out-of-School Suspension.

Example # 2:

During the school year a student experiences 2 removals by a hearing officer due to likely injury to self or others.

Field 47a	Enter "2" occurrences Removal by Hearing Officer.
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Example #3:

During the school year a student experiences 4 short-term out-of-school suspensions summing to 15 days, i.e. greater than 10 days.

Field 48	Enter "1" indicating YES experiences multiple short-term suspensions summing to more than 10 days.
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